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BY EMAIL

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Re: Manhart v. AJP Education Foundation Inc., et al., 24-cv-08209
WESPAC Rule 11 Motion

Dear Counsel:

We wrote on October 23, 2024 to request that you and your client, Plaintiff Christopher Manhart (“Manhart”), withdraw the frivolous claims against WESPAC contained in the original Complaint. Instead of doing so, you filed a First Amended Complaint (“FAC”) on November 11, 2024 containing equally frivolous claims against WESPAC.

I therefore write you again to demand that Manhart and his attorneys withdraw those frivolous claims against WESPAC contained in the FAC. Pursuant to F.R.C.P. 11(c), enclosed is a copy of WESPAC’s Rule 11 Motion for Sanctions against Plaintiff and his counsel, and WESPAC’s Memorandum of Law in support thereof, which we intend to file on January 27, 2025 unless Manhart and you withdraw the frivolous claims against WESPAC before that date.

This letter and WESPAC’s attached motion are not intended to be a complete statement of the defects in this lawsuit against WESPAC. WESPAC therefore reserves all rights and defenses including, without limitation, the right to seek sanctions against Plaintiff’s counsel pursuant to 28 U.S.C. § 1927 (“Any attorney . . . who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.”), and against counsel and Plaintiff himself pursuant to the Court’s inherent authority. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (quoting *Link v. Wabash R. Co.*, 370 U.S. 626, 630-631 (1962)) (Courts may impose sanctions based on their inherent power “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”).

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Very truly yours,

/s/ Robert L. Herbst

Robert L. Herbst
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